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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/967,076 | 09/28/2001 | KyongKun Oh | KKOH-100 | 4888 |

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EXAMINER

SNAPP, SANDRA S

ART UNIT PAPER NUMBER

3624

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/967,076

Applicant(s)

OH, KYONGKUN

Examin r

Sandra Snapp

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Amendment

Claims 1-15 are currently pending in the application. Claims 1-15 remain rejected under 35 U.S.C. 102(e) and such rejection is herein made final.

Claim Objections

The previous objections to claims 2, 11 and 12 has been overcome with the clarification of the meaning of "TCP/IP" and as such the objections are withdrawn.

Claim Rejections - 35 USC § 102

Claims 1-15 remain rejected under 35 U.S.C. 102(e) as being anticipated by the Usher et al. publication (US 2001/0044771 A1) and are herein made final.

The Usher publication discloses a system for providing real time data transmission comprising:

A data network (Fig. 1A), a data provider (120), a client terminal (200), and a server terminal (115) (See page 5, paragraph 0058) (claim 1);

The server terminal, client terminal and data terminal are each connected to a data network under TCP/IP protocol (TCP/IP protocol, page 5, paragraph 0059)(claim 2);

The client terminal includes one of a personal computer, a wireless application protocol enabled mobile telephone, an internet access enabled personal digital assistant, and a laptop computer (combined phone and PDA, PDA, and portable computer, page 5, paragraph 0058)(claim 3);

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The real time data includes one of a real time price information of a traded commodity, and a real time trade volume information of the traded commodity (real time auction, page 6, paragraph 0065, and swap terms, page 7, paragraph 0078)(claim 4); and

The server terminal and the client terminal are coupled to the data network under a secure environment (Secure HTTP and SSL, page 5, paragraph 0059) that includes one of a password protected or an encrypted environment (use of digital certificates, page 5, paragraph 0059)(claims 5, 6, 7 & 8).

The Usher publication also discloses a method comprising:

Establishing a connection to a data provider (page 5, paragraph 0058), establishing a connection to a client terminal (page 5, paragraph 0058), transmitting a client receiver application to the connected client terminal (page 5, paragraph 0063), and pushing information received from the connected data provider in real time to the connected client terminal (retrieving info from and providing info to, page 5, paragraph 0063)(claims 9 & 15);

Displaying the pushed information at the client terminal (display screens, page 9, paragraph 0092)(claim 10);

Establishing a TCP/IP communication protocol with the data provider (using TCP/IP protocol, page 5, paragraph 0059) and the client terminal (claims 11 & 12);

Receiving information from the connected data provider (retrieving info from and providing info to, page 5, paragraph 063)(claim 13); and

The received information includes a real time price information of a traded commodity (real time auctions, page 6, paragraph 0065, and swap terms, page 7, paragraph 0078)(claim 14).

Response to Arguments

Applicant's arguments filed 1-23-04 have been fully considered but they are not persuasive. The Applicant asserts that the server terminal in Usher is not configured to '*push the received real time data* substantially immediately to the connected client terminal' (claim 1) and that Usher does not disclose a method for '*pushing information* received from the connected data provider substantially in real time to the connected client terminal' (claims 9 and 15), as presently claimed. In response, it is the Examiner's position that the Usher publication discloses a system having a server terminal (application server 115) coupled to a client terminal (data network 200) (TCP/IP protocol, page 5, paragraph 0063). The Usher system also discloses that the system can operate in real time (page 6, paragraph 0065). As such, since the Usher system operates a real time auction, it does provide a system that is *configured to* push received real time data (claim 1). Also, as the Applicant acknowledges in their Amendment on page 5, the Usher patent discloses that "*application server 115 may, for example, have one or more common gateway interface (CGI) or active Server Page (ASP) scripts for providing information* submitted to Internet and application server 115 from database server 120 *to access device 200...*" Since the cited structure is capable of operating a real time auction, it is the Examiner's position that the Usher publication does disclose a system that pushes information from the data provider in real time to the connected client terminal, and therefor maintains the final rejection.

Conclusion

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SS



**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800**